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ABSTRACT

The academic department chair has a pivotal role in the administration of special accommodations provided to students under the provisions of the Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973. Department chairs may interact with all levels of the institution, and the interaction among chairs, the Equal Opportunities Officer (EOO), the college attorney, and the dean is a two-way flow of information. The department chair relies on the college attorney for legal advice and the EOO for training and information, but then the department chair must ensure that faculty members have the knowledge they need to provide accommodations without undermining academic standards. In the event of disagreement or litigation the department chair has information gathering functions. The department chair also interacts with students. It is not appropriate for the department chair to be involved in every case of special accommodations, but it is essential that the department chair makes sure that every faculty member is aware of laws and policies related to academic accommodations for the disabled. (SLD)

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The Role of the Academic Department Chair in ADA Student Accommodations

By Percy A. Morehouse, Jr. Ph.D., George Becker Ph.D., and Lee Combs, Esq.

The academic department chair has a pivotal role in the administration of special accommodations provided to students under the provisions of the Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973. This process involves many levels of the institution, however, including the equal opportunity officer (EOO), the college attorney(s), the academic deans, the disability services office (DSO), department chairs, the faculty, and the students. The chairs are at the center of this matrix, and may interact with all of these levels in the administration of ADA and Section 504 provisions in the academic segment of the campuses.

There is, however, a fundamental difference in the manner in which the academic department chairs interact with these multiple levels of the institution relative to the ADA and Section 504 provisions. The interaction of the department chairs with the EOO, college attorney(s) and deans is one of a two-way flow of information. The EOO and college attorney(s) educate chairs in the use of institutional procedures and resources and the range of disabilities and commonly accepted accommodations. They also provide legal advice. The chairs are responsible for gathering and providing resource information in unusual cases and in the event of complaints or litigation. The interaction among the chairs, the DSO, faculty, and students is usually one of applying the administration's training, information and legal advice to the everyday activities in the classrooms.

The Academic Chairs, EOO, College Attorney, and Deans

The interaction among academic chairs, the EOO, the college attorney, and the dean in the administration of the ADA and Section 504 special student accommodations in the classrooms is a two-way flow of information but differs in particulars among these different offices.

The department chair ultimately relies on the college attorney for legal advice and the EOO for the information and training to properly administer the provisions of the ADA and Section 504 in the department programs. Therefore, it is critical that chairs effectively carry out several essential and sometimes conflicting roles.

1. The chair must assure that faculty members have the basic knowledge they need to address requests for accommodations and must set a tone of receptivity in the department to such requests.
2. The chair must encourage faculty members to provide accommodations without undermining academic standards.
3. In the event of disagreement, the chair must gather information diligently and objectively, listening carefully to both the faculty and the student before taking action.
4. The chair must record and report promptly and accurately to all other participants in the decision the information received.
5. The chair must serve as an articulate and effective advocate for academic standards in appropriate cases. An effective chair can dramatically reduce faculty-student friction over disability issues. An ineffective chair can have the opposite effect and may seriously compromise the position of the institution in the event of an ADA or Section 504 complaint or litigation.
6. The chair also must seek training, information, and legal advice in this field, where change and innovation is the norm. The recent campus-wide ADA faculty and staff training program at Metropolitan State College of Denver directly involved the EOO in the training sessions, but the training can also be provided through the director of equal opportunity through other trained personnel.

The institution's attorney is the ultimate source for the final institutional interpretation and application of ADA, Section 504, and other relevant points of law. In some cases, legal points may reach the department chair indirectly, although in the ADA/504 training sessions at MSCD,the college attorney was involved in all of the sessions. The college attorney(s) should provide this information to all personnel, whether directly or indirectly, but it is equally important for the department chairs to avail themselves of such information and to apply it carefully to the operation of the departments. Department chairs are not attorneys, but ignorance of the law is no excuse for violating it, and sometimes even a simple violation of the ADA/504 provisions can result in a very serious situation.

The interaction between the dean and the department chairs in the administration of the ADA and Section 504 at the department level will vary considerably at different institutions. In very large universities, where colleges have a great deal of autonomy, the ADA/Section 504 training and information may come from the EOO and the college attorney(s) largely through training and information services originating from the dean's office. In small or intermediate colleges/universities, such training and information are usually centralized and administered through programs involving the EOO, college attorney(s), and the DSO. In these cases the department chairs may interact with the dean's office largely through supplemental training programs or ombuds functions involving student complaints.

The Academic Department Chair, DSO, Faculty, and Students

The interaction of the academic department chair and the DSO, faculty, and students is basically one of applying the provisions of the ADA/Section 504 and campus policies to the everyday operation of the academic programs and offices. The chairs interact with these groups in very different ways.

The DSO is the normal starting point for the chair, faculty

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member, or student in developing appropriate accommodations for instruction under ADA/Section 504. The department chair and the faculty member are dependent on the DSO for the testing and evaluation of all disabled students, verification of the need for instructional accommodations and reasonable recommendations. The chair is ultimately responsible for the student getting a reasonable accommodation in the department instructional program and assists the DSO, faculty member, or student in arriving at it. This does not mean that the chair should be involved in every ADA/Section 504 case of special instructional accommodations in the department, but the department must have policies in place to assure fair student treatment and accommodation. In addition, the chair is the institution's on-site administrative officer responsible for assuring that these accommodations are arranged and carried out. The chair is also the facilitator for the interaction of the DSO, faculty member, and student to assure that there is a satisfactory outcome for all concerned.

The department chair must make every reasonable effort to insure that all faculty and staff within the department are aware of and carry out the appropriate provisions of the ADA, Section 504, and college policies. Subsequently, faculty should inform students of their rights, when special accommodations are justified and when they are not, the proper procedures for determining when special accommodations are required, and when and where to seek help if there may be a problem. While it is not appropriate for the chair to become involved in every student special accommodation, the chair must insure that faculty members are aware of the laws and policies governing such actions.

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their expertise; think of themselves as "free agents," understanding that acquiring new knowledge and skills will increase their marketability; prefer to learn by sampling and doing in a fun environment; respond well to role-playing and feedback; do not read as much as their predecessors, preferring the visual equivalent of sound bytes — written materials that display headlines, subheadings, quotations, graphics, and lots of visual images.

Generation - Nexters

Origin: Born 1980 - Present. Named in the same fashion as the generation–x'ers: they simply follow as the next generation. (Sometimes called the millennial generation.)

Core Values: Optimism, confidence, achievement, sociability, street smarts, diversity, care about manners, believe in civic action, stricter moral code than their predecessors, place a higher priority on making money.

Characteristics: Upcoming optimists, willing to work hard and learn. Schooling has steeped them in the value of diversity, working together, and helping one another; they correspond with "penpals" across the globe via the Internet ("technology is as natural as air"!); combine the "can-do" attitude of veterans with the teamwork ethic of baby boomers and the technological savvy of generation-x'ers; seem destined to become "good soldiers," inheriting the spirit of patriotism and self-sacrifice last personified by their grand- and great-grandparents, the veterans.

On the Job: Assets – Collective action, optimism, tenacity, heroic spirit, multi-tasking capabilities, technological savvy. Liabilities – Need for supervision and structure; inexperience, particularly with handling difficult interpersonal issues; other liabilities may emerge as they mature in the workplace.

In the Classroom: Preferred learning environment combines teamwork with the latest technology; task orientated; become bored with training that is not highly active and interactive; printed materials should have the same multiple focal points as for generation-x'ers, except that this a generation of readers; include art, music, and games; teachers must be expert in the new technology or endure being "shown up" by their students.

As we enter the 21st century, healthy veterans will extend their stays in the work force, so long as they can negotiate flexible hours. Baby boomers will attempt to hold onto their positions in a climate of continual change, and generation–x'ers will inherit responsible leadership and management positions. Meanwhile, the generation – next'ers will be unleashing their amazing technopowers and "can-do" attitude within the context of a change-by-the-moment environment. And in twenty years, will leaders be facing an added, fifth, generation of workers to lead?

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